

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

JAMES REED, :
Plaintiff : CIVIL ACTION NO. 3:16-2143
v. : (MANNION, D.J.)
(MEHALCHICK, M.J.)
LACKAWANNA COUNTY, et al., :
Defendants :

O R D E R

In accordance with the memorandum issued this same day, **IT IS
HEREBY ORDERED THAT:**

- (1) the objections of the Lackawanna County Defendants to the report of the magistrate judge, (**Doc. 27**), are **SUSTAINED** in part and **OVERRULED** in part;
- (2) the Lackawanna County Defendants' motion to dismiss the plaintiff's complaint, (**Doc. 10**), is **DISMISSED AS MOOT** with respect to the plaintiff's claims related to his incarceration from October 15, 2014 to October 16, 2014, and is **DENIED** in all other respects;
- (3) the Medical Defendants' motion to dismiss the plaintiff's complaint, (**Doc. 18**), is **DISMISSED AS MOOT**;
- (4) the report of the magistrate judge, (**Doc. 26**), is **ADOPTED** in all respects, **EXCEPT** to the extent that it recommends Counts IV and V of the plaintiff's complaint be dismissed as

to the Medical Defendants, as the plaintiff has not acknowledged the insufficiency of Counts IV and V as to these defendants, and with the clarification that dismissal of Counts VI and VII of the plaintiff's complaint is without prejudice; and

(5) the instant action is **REMANDED** to the magistrate judge for all further pre-trial proceedings.

s/ *Malachy E. Mannion*
MALACHY E. MANNION
United States District Judge

Date: September 28, 2017

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